



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,073	06/22/2001	Kijuro Kobayashi	M2057-74	6606

7278 7590 08/13/2002

DARBY & DARBY P.C.
POST OFFICE BOX 5257
NEW YORK, NY 10150-5257

EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
3725	

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,073

Applicant(s)

KOBAYASHI ET AL. *CH*

Examiner

Shelley Self

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 June 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.

5) Claim(s) 3 and 4 is/are allowed.

6) Claim(s) 5-7 is/are rejected.

7) Claim(s) 8 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 27 June 2002 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) Interview Summary (PTO-413) Paper No(s) _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other:

DETAILED ACTION

Response to Amendment

The amendment filed on June 27, 2002 under 37 CFR. 1.131 has been considered and an action on the merits follows.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on June 27, 2002 have been acknowledged.

Specification

The proposed amendment filed on June 27, 2002 has been acknowledged and approved. The amendment sufficiently overcomes the disclosure informalities noted in the previous office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Imanishi (5,218,901). Imanishi discloses a press comprising: a press center on a slide, a drive mechanism

holding section (i.e. the flywheel, connecting rod are encompassed within the frame), a drive means (fig. 1, element 4), a slide (fig. 1, element 20) and first and second guide members (fig. 1, elements 15) symmetrical about a centerline, a press comprising a continuous frame symmetrical about press center, first and second slide members (fig. 1, element 23) a flywheel (fig. 1, element 6), a drive mechanism, a drive means having a crankshaft (fig. 1, element 8), a connecting rod (fig. 1, element 9); a crown member (fig. 1, element 2) and bed member (fig. 1, 1) joining first and second side members, a liner member/gibs/sleeve in first and second guide members (fig. 1, element 16A).

Allowable Subject Matter

Claims 3 and 4 are allowed.

The following is an examiner's statement of reasons for allowance: The art of record, considered alone or in combination, neither anticipates nor renders obvious a press having top and bottom dead center location means comprising minimum and maximum dead center angles in combination with the rest of the claimed limitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant's argument that combining Imanishi and Itakura would fail to operate as suggested is found persuasive.

Response to Arguments

Applicant's arguments filed June 27, 2002 have been fully considered but they are not persuasive.

The Applicant's argument that Imanishi does not disclose a continuous frame structure is not found persuasive. Imanishi discloses a frame comprised of sides/guide members (15), top/crown (2) and a bed/base (1), wherein the sides are interconnected to the top/crown and base member of the press resulting in a continuous frame structure.

The Applicant's argument that the invention as claimed (clms. 5-7) is patentable over the prior art Imanishi is not found persuasive. Applicant argues that the invention as claimed requires a common centerline passing through both the press center and two guide members and that Imanishi does not reflect this in it's "four" post/guide member construction. This argument is not found persuasive because claim 5 as written does not require a "centerline" to pass through only two guide members. The claim as written states a, "*line passing through a press center and a first and second guide member*". Imanishi discloses several guide members and a press center. It is obvious that a line may pass diagonally through Imanishi's guide members and press center, hence simultaneously passing through a first and second guide member and press center. Furthermore, the invention as claimed does not eliminate the use of more than two guide members.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CCFR 1.136(a).

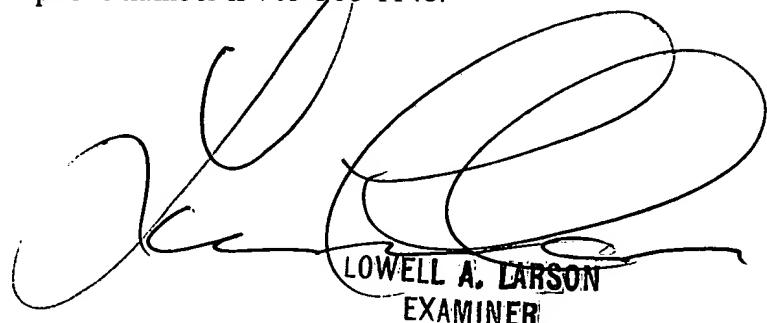
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 703-305-5299. the examiner can normally be reached from 8:30am – 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached at 703-308-3136. the fax phone numbers for the organization where this application or proceeding is assigned is 703-305-3579 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

SSelf
August 6, 2002



LOWELL A. LARSON
EXAMINER